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Security Council

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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Afghanistan

1. At its 19th meeting, on 19 December 2008, the Working Group on Children and Armed Conflict examined the first report of the Secretary-General on children and armed conflict in Afghanistan (S/2008/695), which was introduced by the Special Representative of the Secretary-General on Children and Armed Conflict. The Permanent Representative of Afghanistan to the United Nations participated in the subsequent discussion.

2. The main elements of the exchange of views among the members of the Working Group are summarized below.

3. The members of the Working Group welcomed the submission of the report of the Secretary-General, in accordance with Security Council resolution 1612 (2005).

4. Grave concern was expressed about the persistence of widespread violations and abuses committed against children in the context of armed conflict in Afghanistan. The members of the Working Group strongly condemned the training and use of children to commit terrorist acts by several armed groups, in particular the Taliban, and other violations and abuses committed by such groups against children.

5. The members of the Working Group welcomed the concrete steps taken by the Government of Afghanistan to promote the protection of children, including by putting an end to the recruitment and use of children, in accordance with its national legislation and international obligations. The Government of Afghanistan was encouraged to continue to address, in cooperation with the United Nations country team and civil society organizations, impunity for the perpetrators of crimes and abuses against children.

6. The members of the Working Group encouraged the international community to provide the Government of Afghanistan with the necessary support for its efforts to protect children affected by armed conflict and to further translate commitments into concrete action on the ground, in order to prevent violations and abuses against children, including any further recruitment, in accordance with its national legislation and international obligations, and to develop sufficient capacity in disarmament, demobilization and reintegration programmes for children, along with other child protection strategies.

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7. Grave concern was expressed regarding the killing and maiming of civilians, including children, in particular as a consequence of attacks on hospitals and schools, including girls' schools; the targeting of girl students by the Taliban and other armed groups; and the presence of anti-personnel landmines and unexploded ordnance.

8. Grave concern was also expressed that civilians, particularly children and women, continued to account for an increasing number of victims in the armed conflict. In that regard, the members of the Working Group emphasized the need for all actors to ensure full respect for the rules of international humanitarian law, in particular the prohibition of indiscriminate and excessive use of force; to investigate and bring to justice those responsible for violations of applicable international law, including international humanitarian law and international human rights law; and to take all feasible steps to minimize risk to civilians, especially children.

9. Grave concern was further expressed regarding sexual violence against children, especially boys, and the Government of Afghanistan was encouraged to address, in cooperation with the United Nations country team and civil society organizations, ending impunity for perpetrators through advocacy, legislative and other appropriate measures.

10. Particular attention was paid to restricted humanitarian access in conflict-affected areas.

11. Particular concern was expressed about the situation of children detained by the authorities of Afghanistan and international military forces because of their alleged association with armed groups, emphasizing the need for full respect for relevant provisions of international law.

12. The United Nations country-level task force on monitoring and reporting was encouraged to bring the monitoring and reporting mechanism to its full capacity in order to collect more comprehensive data on all violations and abuses committed against children in the conflict.

13. The members of the Working Group also encouraged parties to the conflict, particularly the Taliban, to develop and implement concrete action plans for the release of children associated with those parties, in accordance with Security Council resolutions 1539 (2004) and 1612 (2005).

14. The Permanent Representative of Afghanistan:

(a) Reiterated the commitments of his Government to fully cooperate with the international community and the Working Group, with a view to putting an end to violations and abuses committed against children in armed conflict;

(b) Questioned the level of credibility of some of the information and sources mentioned in the report of the Secretary-General;

(c) Underlined that insufficient data collection by the country-level task force in the areas controlled by anti-Government forces had prevented the Secretary-General from reporting adequately on the violations and abuses committed against children by the Taliban and other armed groups, thus giving an unbalanced assessment of the situation of children in Afghanistan;

(d) Provided the Working Group with a compilation of national statutes, legislation and international human rights treaties adopted by the government of Afghanistan to protect and promote the rights of children in Afghanistan.

15. The members of the Working Group took note of the information provided by the Government of Afghanistan and invited the Office of the Special Representative to take that information into account and to continue to consult with the Government in the preparation of subsequent reports. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including Council resolution 1612 (2005),[1] the Working Group agreed to the following direct action.

Public statements issued by the Chairman of the Working Group

To all the armed groups mentioned in the report of the Secretary-General, in particular the Taliban

(a) *Calling* their attention to the fact that the Security Council has received a report by the Secretary-General on children and armed conflict in Afghanistan;

(b) *Expressing* its condemnation in the strongest terms of the recruitment and use of children by armed groups, in particular the training and use of children to commit terrorist attacks, and all other violations and abuses committed against children by armed groups in Afghanistan, including killing and maiming resulting inter alia, from attacks in public places and/or the targeting of schoolchildren, particularly girls, abduction and sexual violence against children;

(c) *Expressing also* its condemnation in the strongest terms of the attacks against humanitarian actors, in particular killings and abductions;

(d) *Urging* them:

(i) To immediately cease attacks against civilians, especially children, and civilian objects, and to comply fully with international humanitarian law by, inter alia, putting an end to the targeting of the civilian population, especially children, and to publicly declare an end to such practices;

(ii) To comply with international humanitarian law and to recognize and maintain the civilian status and safety of schools, hospitals and religious institutions, including their personnel, and to refrain from any attack on United Nations premises;

(iii) To take immediate measures to ensure that children are not used in any military operation or any other violent action, proceed with the immediate and unconditional release of all children associated with them in any capacity, in a manner that allows effective confirmation and follow-up by the country-level task force on monitoring and reporting, and develop and implement a concrete time-bound action plan in accordance with the Security Council resolutions on children and armed conflict, including resolutions 1539 (2004) and 1612 (2005);

(iv) To allow, as a matter of priority, full, unimpeded and secure access for humanitarian assistance, in particular for children, as well as access for

[1] A similar formulation will appear at the beginning of every letter issued by the Chairman.

relevant international and national child protection actors, and to ensure the safety and security of humanitarian personnel;

(v) To immediately stop impeding girls from having access to education, in particular by denying their right to attend school, attacking girl students and teachers and damaging school buildings or threatening to do so;

(vi) To take immediate and specific measures to put an end to and prevent the perpetration of sexual violence by members of their respective groups, in particular the practice of *bacha baazi*, to take measures so that perpetrators are brought to justice and to publicly declare an end to such practices;

(e) *Emphasizing* that the full implementation of an action plan in line with Security Council resolutions 1539 (2004) and 1612 (2005), verified by the task force on monitoring and reporting, is an important step for a party to conflict to take in order to be de-listed from the annexes of the report of the Secretary-General on children and armed conflict.

To community and religious leaders of Afghanistan urging them

(a) To publicly condemn and take all feasible steps to prevent the recruitment and use of children, in violation of applicable international law, in particular using them to commit terrorist acts; all other violations committed against children, including the killing and maiming of civilians, targeting schools and hospitals and sexual violence against children; and attacks against humanitarian personnel;

(b) To assist the Government of Afghanistan and the United Nations country team to develop and implement child protection strategies.

Recommendation to the Security Council

16. The Working Group agreed to recommend that the President of the Security Council should transmit letters by the Chairman of the Working Group:

To the Government of Afghanistan

(a) *Welcoming*:

(i) The ratification of the Convention on the Rights of the Child in 1994, its Optional Protocol on the involvement of children in armed conflict in 2003 and its Optional Protocol on the sale of children, child prostitution and child pornography in 2002;

(ii) The concrete steps taken by the Government of Afghanistan to promote and protect the rights of children, including the launch in May 2006 of the National Strategy for Children at Risk, and the substantial progress achieved since 2001;

(iii) Its participation in the "Free Children from War" conference, held in Paris on 5 and 6 February 2007;

(iv) Its constructive engagement in the establishment on 28 July 2008 of a monitoring and reporting mechanism, supported by President Hamid Karzai, and its subsequent and ongoing cooperation with the Working Group, the

Special Representative of the Secretary-General and relevant United Nations entities;

(v) The invitation to the Special Representative of the Secretary-General, accompanied by the Director of Emergency Operations of the United Nations Children's Fund (UNICEF), to visit Afghanistan from 28 June to 3 July 2008;

(b) *Urging* it:

(i) To continue, in accordance with Security Council resolution 1612 (2005), to give full support to the monitoring and reporting mechanism, in collaboration with the United Nations country team, in order to contribute to the goal of establishing action plans as an important step to halt and stop the recruitment and use of children;

(ii) To continue to take the necessary actions towards the full implementation of its commitments and obligations on the ground, advisably through the development, with the support of the United Nations and relevant civil society organizations, of a time-bound action plan ensuring the end of the practice of child soldiering in Afghanistan and, in particular, through the full and unimpeded access of monitoring bodies to detention facilities run by the National Directorate of Security, and the effective implementation of age-determination procedures in the ranks of all governmental forces, in particular the Afghan National Auxiliary Police;

(iii) To emphasize the importance of ensuring the rights of children in detention, in accordance with applicable international law, including through capacity-building, in close cooperation with the United Nations country team and other partners;

(iv) To take into account the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles), in line with the commitments made by the Government of Afghanistan during the "Free Children from War" conference and consistent with its international obligations, with a view to putting an end to the serious abuses perpetrated against children and ensuring transparent procedures for the release of all children;

(v) To increase security and protection of the civilian populations, including children, in the regions under its control, including through possible cooperation with the international community, bearing in mind the positive impact of such measures on the prevention of child recruitment, sexual violence and other violations and abuses committed against children;

(vi) To take additional measures, with the support of the international community, to minimize the number of children killed and maimed, inter alia, as a result of the presence of anti-personnel landmines and unexploded ordnance;

(vii) Take all feasible steps, in coordination with international military forces, to ensure that international military forces deployed in Afghanistan comply fully with their obligations under international humanitarian law, in particular by taking all necessary precautions to minimize civilian casualties, including children, in military operations and making robust efforts in this regard,

notably by the continuous review of tactics and procedures in order to help prevent civilian casualties;

(viii) To ensure that legislation on child abuse is in line with the Convention on the Rights of the Child and its Optional Protocols;

(ix) To implement fully and effectively laws and programmes to prevent sexual violence committed against girls and boys and to support victims of this crime, in close cooperation with the United Nations country team and civil society;

(x) To develop capacity, with the support of the United Nations country team and the international community, in the areas of advocacy, community awareness and rehabilitation and reintegration programmes for children formerly associated with armed forces and groups, and rehabilitation and reintegration programmes for children who have been victims of violence;

(xi) To further address impunity for perpetrators of violations and abuses committed against children by strengthening its child protection capacity and the commitment of law enforcement and judicial officials to rigorously investigate and prosecute crimes committed against children, including killings, maiming, sexual violence, recruitment and use of child soldiers, and all other forms of crime, and by raising awareness about legal protections to which children are entitled, the rights of the child and humanitarian and other relevant international law throughout society, in particular within the Afghan security forces.

To the Secretary-General

(a) *Welcoming* his call upon the country-level task force on monitoring and reporting to present a plan on ways and means to interface with the Government, international military forces and other relevant parties to extend the monitoring and reporting mechanism mandated by Security Council resolutions 1539 (2004) and 1612 (2005) to all conflict areas of Afghanistan, in order to allow full monitoring of parties committing violations against children and prompt advocacy and effective response to all violations and abuses committed against children;

(b) *Encouraging* him to strengthen the efforts of the United Nations country team to bring the task force on monitoring and reporting to its full capacity in order to ensure that accurate, objective, reliable and comprehensive information is collected and communicated on violations and abuses committed against children;

(c) *Requesting* him to continue to allocate human and technical resources to ensure that all children affected by the conflict in all regions are covered under the monitoring and reporting mechanism;

(d) *Also requesting* him to explore ways to ensure that the United Nations country team works in close consultation with the Government of Afghanistan and international military forces in order to support their efforts to minimize civilian casualties, in line with international humanitarian law;

(e) *Asking* him to address the importance of ensuring access for relevant organizations, as applicable, to all prisons and places of detention in Afghanistan, and asking that these relevant organizations follow up, as appropriate, with the

monitoring and reporting mechanism with regard to children detained because of their alleged association with armed groups;

(f) *Also asking* him to ensure as a matter of priority the continuous implementation of the Security Council request for the child protection component of the United Nations Assistance Mission in Afghanistan (UNAMA), in particular through the appointment of child protection advisers in the Mission;

(g) *Inviting* him to request the United Nations Development Programme, UNICEF and other relevant United Nations organizations, within their respective mandates and in close cooperation with the Government of Afghanistan, to continue to address socio-economic issues, which will also contribute to addressing the welfare of children affected by armed conflict, including by strengthening national institutions, and further to provide assistance in the implementation of rehabilitation and reintegration programmes and to strengthen and protect the education system, in particular by securing and rebuilding educational facilities, including in conflict-affected areas;

(h) *Also inviting* him to address the long-term effects of armed conflict on children by supporting the development of an adequate health-care system to facilitate their full recovery, including special attention to psychological care for all children affected by armed conflict and appropriate health-care and services for affected boys and girls.

To the Security Council

Recommending that the situation of children affected by armed conflict continue to be duly taken into account in consideration by the Council of the situation in Afghanistan and be reflected in the terms of reference for the next field visit by the members of the Council to that country, taking also into consideration the conclusions of the Working Group in this regard.

Direct action by the Working Group

17. The Working Group agreed that the Chairman would address letters:

To the leadership of the International Security Assistance Force (ISAF)

(a) *Bearing in mind* the efforts taken by ISAF to minimize the risk of civilian casualties and damage to civilian objects and urging them to take robust efforts, notably by the continuous review of tactics and procedures and the conduct of after-action reviews and investigations in cooperation with the Government of Afghanistan, in cases where civilian casualties have occurred, and to bring to account those persons found responsible for causing civilian casualties in violation of international humanitarian law;

(b) *Inviting* them to support the country task force on monitoring and reporting, in consultation with UNAMA and the Government of Afghanistan, in its effort to devise a plan to extend the monitoring and reporting mechanism established by Security Council resolution 1612 (2005) to all areas of the conflict, with a view to enhancing child protection in Afghanistan;

(c) *Emphasizing* the importance of ensuring access for relevant organizations, as applicable under international law, to all children in detention in

Afghanistan, and calling for full respect for relevant international law, including humanitarian law and human rights law.

To the World Bank and donors requesting

(a) That they provide support, in close cooperation with the Government of Afghanistan and upon its request, together with local communities and civil society organizations, as appropriate, to the development and strengthening of capacities to ensure access to and implementation of child-appropriate demobilization, rehabilitation and reintegration programmes for all released former child soldiers, also drawing their attention to the importance of socio-economic reintegration and the need to support viable and sustainable alternative livelihoods, in order to prevent the re-recruitment of children by armed groups;

(b) That they assist the efforts of the Government of Afghanistan to strengthen and expand programmes that protect and assist children, particularly former child soldiers, internally displaced persons and unaccompanied and separated children who may face higher risks of violence, exploitation and recruitment, and ensure their successful rehabilitation and reintegration, increasing the focus on livelihood support, education, including accessible education for children with disabilities, and youth-oriented employment strategies.